

**NOV 28 2005**

**NOT FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK**  
**U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM T. FISCHER,

Defendant - Appellant.

No. 03-30411

D.C. No. CR-02-00073-RFC

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Richard F. Cebull, District Judge, Presiding

Submitted November 8, 2005\*\*

Before: WALLACE, LEAVY, and BERZON, Circuit Judges.

William T. Fischer appeals the sentence imposed after his guilty plea  
conviction to possession of a firearm by an unlawful user and addict of controlled

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\* This disposition is not appropriate for publication and may not be cited to  
or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral  
argument. *See* Fed. R. App. P. 34(a)(2).

substance, in violation of 18 U.S.C. § 922(g)(3). We have jurisdiction pursuant to 28 U.S.C. § 1291.

We remand the sentence for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc). If appellant does not want to pursue resentencing, appellant should promptly notify the district court judge on remand. *See id.* at 1084.

**REMANDED.**